# PART I

*Containing text in full of Rules and Orders made under Bombay Acts enacted till the end of 1948.*

# THE BOMBAY RENT-FREE ESTATES ACT, 1852 (XI OF 1852) AND THE EXEMPTIONS FROM LAND-REVENUE (No. 2) ACT, 1863 (BOM. VII OF 1863).

**G. N., R. D., No. 10336, dated 12th October 1908 (B. G., Pt. I, p. 1686).**

Sch. B, ss. 8 & 10 of Act XI of 1852 and s. 2 (3) of Bom. VII of 1863.

*Amended by G. N., R. D., No. 9886-F/33, dated 19th January 1939.*

In exercise of the powers conferred by Act XI of 1852, Schedule B, sections 8 and 10, and by Bombay Act VII of 1863, section 2, clause 3, and of all other powers enabling him in this behalf, the Governor in Council is pleased, in supersession of the rules published in Government Notification in the Revenue Department, No. 2702, dated the 23rd April 1902, as subsequently amended, to issue the following rules concerning the resumption and continuance of lands held for service :—

1. An inquiry into the title by which any land held for service is enjoyed may be instituted from time to time by such officer as the State Government may direct.

2. Lands originally held for service, which have been continued, or may hereafter be continued, under section 15, Bombay Act III of 1874, on condition of payment of a certain portion of the assessment thereof in commutation of service, shall continue to be held in accordance with the terms of the Sanads issued or hereafter to be issued in confirmation of the said commutation settlements.

3. Service lands, in respect of which no such commutation settlement has been effected, and which have been already declared by Government, or by any officer under the orders of Government, to be resumable on the demise of certain persons, or on the extinction of certain families or lines of descent, shall be resumed accordingly.

4. Service lands which do not fall under No. 2 or No. 3 of these rules shall be continued, subject to the provisions of Bombay Act III of 1874, and of any other law for the time being in force relating thereto, to the heirs of the present holders, or in the event of the same being at any time lawfully alienated, to the heirs of the alienees, without restriction as to adoption or female or collateral succession ; but such lands shall be resumed in default of any heir in whom, in the ordinary course of descent, the deceased holder's private property would vest, and shall not be liable to be dealt with under the ordinary law for the time being in force relating to intestate property:

Provided that if the Collector is at any time satisfied that the service in respect of which any such lands are held is no longer performed or that its performance is no longer necessary, or that for the service performed the remuneration derived from the profits of the enjoyment of such lands is unnecessarily high or, in the case of service lands to which the provisions of Bombay Act III of 1874 do not apply, if it shall appear that the holder has been guilty of any serious offence or misconduct, or that such lands or any part thereof or any of the profits thereof have or has by succession, or otherwise, come into the possession of a female or of any person other than the person who for the time being is duly authorized to perform and does actually perform the service in respect of which such lands are held, the Collector may in his discretion direct either (1) the resumption of such lands,

or (2) the continuance of the same subject to such new conditions as he shall deem fit to impose, or (3) the resumption of a portion of such lands and the continuance of the rest thereof, subject to such conditions as aforesaid.

5. When the Sanad issued in confirmation of any service commutation settlement expressly authorizes the alienation or transfer of the service lands, the same shall be continued without question to any lawful holder thereof on fulfilment of the terms of the Sanad. In every other case contemplated by No. 2 of these rules and in every case contemplated by Nos. 3 and 4 of these rules, if any land held for service or any of the profits thereof shall at any time be or become alienated contrary to the provisions of Bombay Act III of 1874, or of any other law for the time being in force, or, in the case of land to which the provisions of Bombay Act III of 1874 do not apply, if the same or any of the profits thereof shall be alienated or in any way encumbered without the previous sanction of the State Government the said land shall, if the Collector deem fit, be forthwith resumed, anything in the said rules to the contrary notwithstanding.

6. It shall be lawful for the Collector, whenever it may be necessary, in carrying out any of the provisions of No. 4 or No. 5 of these rules—

(*a*) summarily to evict any person wrongfully in possession of any land, or

(*b*) to levy any rent due by any person in the manner that may be prescribed in any law for the time being in force for the levy of a revenue demand.

*Explanation.*—For the purposes of this rule any person in possession of land, the resumption of which has been directed under No. 4 or No. 5 of these rules shall be deemed to be a person wrongfully in possession thereof.

**Sch. B, R. 10 of Act XI of 1852 and s. 2 (3) of Bom. VII of 1863.**

**G. N., P. D., No. 2942, dated 17th May 1898 (B. G., Pt. I, p. 424).**

*Amended by G. N., P. D., No. 4861, dated 8th July 1901.*
*Amended by G. N., P. & R. D., No. 1766/34-A, dated 4th February 1938.*

In exercise of powers referred to in Rule 10 of Schedule B of Act XI of 1852 and of the second sub-clause to clause 3 of section 2 of Bombay Act VII of 1863 His Excellency the Governor in Council is pleased to issue the following Rules for the purpose of determining the terms to which the continuance of Jaghirs and Saranjams and other alienations of a political nature shall be subject :—

1. Saranjams shall be ordinarily continued in accordance with the decision already passed or which may hereafter be passed by the State Government ind each case.

2. A Saranjam which has been decided to be hereditarily continuable shall ordinarily descend to the eldest lineal male representative, in the order of primogeniture, of the senior branch of the family descended from the first British grantee or any of his brothers who were undivided in interest. But the State Government reserve to themselves their right for sufficient reason to direct the continuance of the Saranjam to any other member of the said family, or, as an act of grace, to a person adopted into the said family with the sanction of the State Government. When a Saranjam is thus continued to an adopted son, he shall be liable to pay to the State Government a Nazarana not exceeding one year's value of the Saranjam, and it shall be levied from him in such instalments as the State Government may in each case direct.

3. In the case of Saranjams which have been decided to be continuable for two generations with a pension to the third, the eldest surviving son shall be considered to represent a generation, and the entire Saranjam shall descend to him when he represents the second generation from the first British grantee, and a pension when he represents the third. But if the elder son or sons of the first British grantee, have died before their father, but leave sons, the grandson who ranks first in the order of primogeniture shall, on his grandfather's death, be regarded as the second generation, and the entire Saranjam shall be continued to him, no pension being granted to the next generation.

4. Proposed orders regarding succession to Saranjams in accordance with the above rules, must as they constitute a technical regrant of the Saranjam be submitted, in all cases, for the sanction of the State Government.

5. Every Saranjam shall be held as a life estate. It shall be formally resumed on the death of the holder, and in cases in which it is capable of further continuance it shall be made over to the next holder as a fresh grant from the State Government, unencumbered by any debts or charges save such as may be specially imposed by the State Government itself.

5A. In cases in which there is no suitable person to whom a regrant can immediately be made ; or in which an immediate re-grant would be injurious to the interest of the estate, the Saranjam may be attached and placed under Government management for such period as the State Government may consider necessary, and the revenues of the Saranjam after deduction of the expenses of management, may be assigned for the maintenance of the representatives of the deceased Saranjamdar, in such manner, and in such proportion as the State Government may from time to time direct.

6. No Saranjam shall be capable of sub-division.

7. Every Saranjamdar shall be responsible for making a suitable provision for the maintenance of the widow or widows of the preceding Saranjamdar, his own brothers, or any other member of his family who, having a valid claim arising from infancy, mental or physical infirmity, rendering such member incapable of earning a livelihood, may be deemed deserving of support at his hands. When this obligation is not fulfilled by any Saranjamdar, the State Government may direct him to make suitable provision for such persons and may fix the amount, which he shall pay, in each instance : provided that no one who has independant means of his own, or is in the opinion of the State Government otherwise sufficiently provided for, shall be entitled to maintencnce form the Saranjamdar.

8. Every order passed by the State Government under the above rule for the grant of maintenance by a Saranjamdar shall hold good during his life only.

9. If an order passed by the State Government under Rule 7 is not carried out, the State Goverment may, whatever the reason may be, direct the Saranjam or a portion of it, to be resumed, as the circumstances of the case may require. Provision for the members of the Saranjamdar's family entitled to maintenance shall then be made by the State Government out of the revenues of the Saranjam so resumed.

10. Whenever it appears that a Saranjam or its revenue have passed by attachment or any other process of the Civil Court into the hands of a person other than

the Saranjamdar , the State Government will ordinarily direct the Saranjam to be resumed and pass such order as to its re-grant or other disposal as may seem to them fitting.

11. The above rules shall be applicable not only to Saranjams proper, but also to *Chouth* Saranjams.

12. Any Inam granted on political considerations shall be continued in the terms of the Sanad or order creating the grant. In the event of any such Inam passing out of the possession of the family for whose support it was granted, it shall be liable to resumption, unless there be an express provision permitting such transfer in the terms of the grant.

Sch. B, R. 10 of Act XI of 1852 and s. 2 (3) of Bom. VII of 1863.

**G. N., P. D., No. 5060, dated 25th June 1912 (B. G., Pt. I, p. 981).**

In exercise of the powers referred to in Rule 10 of Schedule B of Act XI of 1852 and of the second sub-clause to clause 3 of section 2 of Bombay Act VII of 1863, the Governor in Council is pleased to direct, with reference to Government Notification No. 2942, dated the 17th May 1898, that all future re-grants of Saranjam villages shall be subject to the conditions that the lands in them shall be surveyed and the record of rights introduced. The introduction of a survey *settlement* into these villages should be left to the option of the grantees for the present.